

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Lucretia Neal

Docket No. 0650 3:12CR00058 - 1

Petition for Action on Conditions of Pretrial Release

COMES NOW Daniel S Blackledge-White, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Lucretia Neal
who was placed under pretrial release supervision by the Honorable E. Clifton Knowles
sitting in the Court at Nashville, Tennessee, on April 02, 2012, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document.

I declare under penalty of perjury that the foregoing is true and correct.

Daniel S Blackledge-White Nashville, TN

September 14, 2012

U.S. Pretrial Services Officer

Place:

Date:

Next Scheduled Court Event

Sentencing Hearing

November 02, 2012

Event

Date

PETITIONING THE COURT

☐ No Action

☒ To Issue a Warrant

☐ To issue an order setting a hearing on the petition

☐ Other

THE COURT ORDERS:

☒ No Action

☐ The Issuance of a Warrant.

☐ Sealed Pending Warrant Execution

(cc: U.S. Probation and U.S. Marshals only)

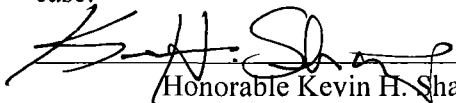
☐ Other

☐ A Hearing on the Petition is set for

Date

Time

Considered and ordered this 18th day
of September, 2012 and ordered filed
and made a part of the records in the above
case.


Honorable Kevin H. Sharp
U. S. District Judge

Honorable Kevin H. Sharp
U.S. District Judge
Petition for Action on
NEAL, Lucretia
Case No. 3:12-CR-00058-01
September 14, 2012

On April 2, 2012, defendant Lucretia Neal appeared before the Honorable E. Clifton Knowles for an Initial Appearance as result of being charged with violating Title 21 U.S.C. §§ 841(a)(1), Distribution of Crack Cocaine.

Upon commencement of the hearing, the Government recommended that the defendant be released to Pretrial Supervision with conditions. The Court granted the Government's motion for release.

Special Conditions of Release:

Please reference the attached Order Setting Conditions of Release.

VIOLATION(S):

Violation No. 1: Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

On September 11, 2012, the defendant failed to report to Cumberland Mental Health Services (CMHS), located in Lebanon, Tennessee, for her scheduled urinalysis.

On September 12, 2012, the defendant was instructed, via voicemail on her sister's telephone, to report to the U.S. Probation and Pretrial Services Office in Nashville for a urine screen.

Ms. Neal has not submitted a urine screen to either CMHS or the probation office.

Current Status of Case:

On May 31, 2012, the defendant entered a plea of guilty. Her sentencing hearing is scheduled for November 2, 2012, at 2:30 p.m.

Probation Officer Action:

On April 4, 2012, Mrs. Neal was placed in Phase I of the U.S. Probation Office's Code-a- Phone program, a program whereby defendants call daily to ascertain whether they need to report to the U.S. Probation and Pretrial Services Office to submit a urine screen.

Mrs. Neal also participates in substance abuse counseling, receives mental health treatment,

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medication monitoring, and case management.

On April 26, 2012, a Petition for Action on Conditions of Pretrial Release was submitted to U.S. Magistrate Judge E. Clifton Knowles alleging the defendant tested positive for illegal substances on two separate occasions. Additionally, Mrs. Neal failed to attend her substance abuse intake appointment.

On May 18, 2012, the violation was taken under advisement for 30 days to allow defendant Neal to come into compliance. She completed her drug and alcohol assessment, began substance abuse treatment, had no positive urine screens, and obtained employment.

On June 18, 2012, the violation hearing was continued to allow for results of a positive urine screen that the defendant submitted on the same date. As the urine screen was negative for the presence of illegal substances or narcotics, a second Petition for Action on Conditions of Pretrial Release was not submitted to Judge Knowles.

On July 6, 2012, the defendant was encouraged to report for her urine screens in the morning to prevent any further problems with submitting diluted or invalid samples. Further, this officer encouraged Mrs. Neal to obtain gainful employment, refrain from drug use, and minimize her involvement with questionable associates.

On August 2, 2012, a Petition for Action on Conditions of Pretrial Release was submitted to U.S. District Judge Kevin H. Sharp alleging the defendant failed to verify employment, tested presumptively positive for cocaine, failed to participate in substance abuse counseling as ordered, submitted a urine screen that was deemed inconsistent with human urine, and failed to report her contact with law enforcement to her pretrial services officer.

On September 5, 2012, a violation hearing was heard before Your Honor. At the conclusion of the hearing, the defendant was ordered to remain on pretrial supervision with the same bond conditions pending her sentencing hearing scheduled for November 2, 2012.

Also on September 5, 2012, Ms. Neal reported to the U.S. Probation and Pretrial Services Office for her monthly appointment. The supervising officer encouraged her continued participation in substance abuse treatment and urine screen collection. Defendant Neal was instructed to continue with her job search efforts and advised to remain compliant with all conditions of her bond to the best of her ability.

Respectfully Petitioning the Court as Follows:

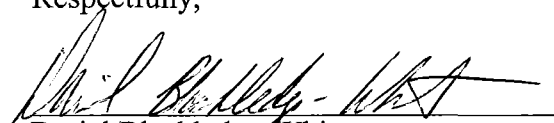
As Mrs. Neal failed to report for her scheduled urine screen on September 11, 2012, and has not contacted either the treatment provider or her supervising officer, it is respectfully recommended that

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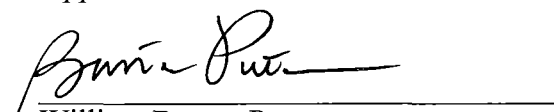
her bond should not be revoked.

Assistant U.S. Attorney Braden Boucek was contacted and concurs with this recommendation.

Respectfully,


Daniel Blackledge White
U.S. Probation Officer

Approved:


William Burton Putman
Supervisory U.S. Probation Officer

xc: Braden Boucek, Assistant U.S. Attorney
Bob Lynch, Defense Attorney

UNITED STATES DISTRICT COURT

MIDDLE

District of

TENNESSEE

United States of America

V.

ORDER SETTING CONDITIONS
OF RELEASELucretia Neal

Defendant

Case Number: 3:12-cr-00058

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____

Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) The defendant promises to appear at all proceedings as required and to surrender
- () The defendant executes an unsecured bond binding the defendant to pay _____ dollar _____)
in the event of a failure to appear as required or to surrender as directed for

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Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

Date

(X) (7) The defendant shall:

LN () (a) report to the U.S. Pretrial Services as directed
telephone number (615) 736-5771, not later than _____

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____

() (d) execute a bail bond with solvent sureties in the amount of \$ _____

LN () (e) maintain or actively seek employment.

() (f) maintain or commence an education program. *verifiable*

() (g) surrender any passport to: _____

() (h) obtain no passport.

LN () (i) abide by the following restrictions on personal association, place of abode, or travel:

restricted to MN TN without prior approval of Pretrial Services

() (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: _____

() (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____

() (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

LN () (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

LN () (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

LN () (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

LN () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

LN () (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (was) required as a condition(s) of release.

() (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

() (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

LN () (u) report as soon as possible to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop, and within 48 hours,

LN () (v) Shall permit Pretrial Services Officer to visit you at home or elsewhere at any time, and allow Pretrial Services Officer to confiscate any contraband in plain view.

LN () (w) *Defendant shall not interfere with any criminal investigation. This includes notifying others of the existence of any criminal investigation or identifying suspects or cooperating individuals.*

Lucretia Neal 4-10-12

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Lucretia Neal

Signature of Defendant

Directions to United States Marshal

- (x) The defendant is ORDERED released after processing.
 () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date:

April 2, 2012

E. Clifton Knowles

Signature of Judicial Officer

E. CLIFTON KNOWLES, U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

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